

Arizona SFY19 EOY Assessment Highlights and Concerns

October 2019

DRAFT

Administration

- Highlights:
 - Federal grants: ADEQ receives ~\$6.1M in water program grants, which accounts for 25% of ADEQ's Water Division operating budget, and ~\$4.2M in DWSRF funds.
 - PPG includes CWA 106, PWSS, & NPS funds.
 - Individual grants: NPS projects, CWA 604b, CWA Monitoring
 - ~110 FTE, 61 are federally funded positions.
 - This is our first cross-media end-of-year meeting under the new Water, Air and RCRA Performance Partnership Grant (PPG).
- Concerns:
 - While the Integrated PPG Workplan provides a comprehensive look at the work being performed by AZDEQ, EPA Region 9 Water Division finds it to be difficult to review since PPG funded activities are not specifically identified or flagged. This limits our ability to accurately provide proper grant oversight and feedback.
 - It is unclear how the PPG funds are allocated to the Value Streams in the Integrated PPG.

Water Quality Standards

- Highlights:
 - AZDEQ continues scientifically rigorous efforts to craft numeric nutrient criteria for arid southwest rivers and lakes through EPA's Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS).
- Concerns:
 - Limited early engagement of document review (Triennial Review).
 - Inconsistencies with correct versions of documents to review (Triennial Review).
 - Loss of staff affecting submission of deliverables (Draft Lake Criteria).
 - Due dates for deliverables have been pushed out (Triennial Review and WQS updates).

Ambient & 106 Monitoring

- Highlights:
 - AZDEQ continues to provide a strong voice for the Arid Southwest states in the National Aquatic Resource Surveys.
 - The anticipated 2020 Integrated Report will be the first in the nation to leverage R software, the EPA's existing Water Quality Data electronic infrastructure, and ATTAINS to automate most processes of the assessment.

- AZDEQ worked closely with EPA OW to address Water Quality Data Portal (WQX) upload issues.
- Concerns:
 - This is the second year to drop monitoring laid out in the Sample Analysis Plan (SAP) to support the required CWA 305(b) portion of the Integrated Report. As an arid southwest state with WQS for perennial/intermittent and ephemeral waters, AZDEQ should be monitoring in a way to provide a report on the general condition of all the EPA-approved designated uses. Presently the SAP focuses on a goal of creating a comprehensive census of the perennial waters within the state's 5-year assessment window; this approach precludes intermittent waters that are protected under the same WQS as perennial waters. Likewise, it precludes ephemeral waters from monitoring.
 - AZDEQ's SFY19 SAP focuses on monitoring with the express goal of de-listing waters from the list of impaired waters requiring a TMDL. This is the second SAP to include this goal, which may conflict with the nature, intent, and requirements of the CWA § 106 grant guidance, CWA § 303(c) and 305(b), regulations, case law, and guidance.
 - Inadequate EPA review time (1 week) on the pending 2020 Integrated Report submission.

Total Maximum Daily Load Development

- Highlights:
 - The Santa Cruz River TMDL for *escherichia coli* will soon be submitted to EPA for review and decision.
- Concerns:
 - Delinquent TMDL submittals: Santa Cruz River and San Pedro.
 - Stalled or canceled TMDLs: The delay of Pinto Creek TMDL to reflect the approach taken in the draft Queen Creek TMDL raises questions about how the drafts were able to diverge over the several years both have been in progress. Similarly, it is concerning that the completion of the Queen Creek TMDL has been stalled in response to a request for refined modeling which may not yield significantly different results; this is workplan item that has persisted for more than four state fiscal years. The restructuring and re-focusing of the San Pedro TMDL's geographic scope to a smaller area, given that it was identified as a vision priority TMDL, raises concerns about the level of analysis AZDEQ staff are able to provide prior to moving forward on large and resource intensive projects. This issue is repeated in WQS as well, where unrealistically brief timelines crafted by AZDEQ have handicapped projects.

AZPDES Permitting

- Highlights:
 - Reissuance of the MSGP.
 - Addressed and resolved issues in the permit tracking system.

- AZDEQ's total % current is 94% with a high of 100% current for both major and minor individual permits with 58/58 major individual permits and 76/76 minor individual permits current.
- AZDEQ and EPA permitting leads initiated regular check-in calls, and this regular communication has been very helpful in getting permit issues resolved as expeditiously as possible to ensure maintenance and reduction of the backlog.
- Concerns:
 - Phase I MS4 permits are a major source of backlog with 7 out of 8 backlogged.
 - Re-issuance of the Construction General Permit. .
 - Pesticide GP and Biosolids GP: AZDEQ has not been able to proceed towards re-issuance due to a variety of factors, including staffing resources.
 - AZDEQ shared pre-public notice draft of the Biosolids GP and EPA provided input and comments in May 2019 and AZDEQ intends to public notice it soon again pending staff resources which are focused on renewal of the CGP and Phase I MS4 GP.
 - WOTUS is also a concern for AZDEQ as related to its overall AZPDES permitting activities.

Nonpoint Source Program and Project Management

- Highlights:
 - AZDEQ's performance is good as stated in our July 23, 2019 Satisfactory Progress Determination.
 - AZDEQ continues to be on schedule for updating EPA's Grants Reporting Tracking System (GRTS), a database that tracks estimated NPS load reductions on BMP's implemented on-the-ground.
- Concerns:
 - AZDEQ was unable to update their NPS State Management Plan (SMP) this past State Fiscal Year due, in part, to staff departures.
 - AZDEQ did not obligate NPS grant funds within one year of EPA awarding the grant (by 9/30/18).
 - The submittal of the NPS Annual Report has been pushed back to February 2020.

CWA 604(b) and CWA 208 Water Quality Management Planning

- Highlight:
 - AZDEQ continues to compete CWA 604(b) funds to the five Council of Governments (COGs).
 - In SFY19, COGs raised concerns that they needed direct funding to continue updating their 208 Plans. In response, AZDEQ provided funding to COGs to support Plan updates, as well as, competitively funding local innovative WQM planning. One hundred percent of the CWA 604(b) funds are passed through to planning agencies. EPA believes that the adaptivity of AZDEQ to balance funding needs for COGs and to provide funds for innovative WQMP, is advancing the State's ability to address current and future water quality issues.
- Concerns: None

Development of AZ's 404 assumption process (CWA404(g))

- Highlights
 - AZDEQ has completed stakeholder meetings, produced technical working group reports, engaged senior leadership of state and federal agencies, engaged Arizona tribes, coordinated with the Corps, initiated development of an EPA/AZDEQ MOA and most recently released a major deliverable; a Roadmap for State 404 Program Development.
 - AZDEQ hosted a meeting with EPA staff and provided a detailed review of key program development milestones and the identification of technical/policy issues requiring EPA assistance.
- Concerns:
 - Loss of key staff.
 - Delinquent in providing EPA revised project timelines/schedules.
 - Reduction or elimination of EPA review on key program elements.

Clean Water Act Enforcement and Compliance

- Highlights:
 - AZDEQ exceeded both Compliance Monitoring Strategy (CMS) targets for inspections of minor and major AZPDES permitted facilities.
 - AZDEQ met or exceeded its stormwater inspection targets.
 - The number of Significant Noncompliance (SNC) have decreased significantly.
 - Hired two enforcement inspectors and a unit manager.
 - Provided support on a biosolids enforcement matter.
 - Met Phase 1 NPDES eRule deadline.
- Concerns:
 - AZDEQ did not meet its full CMS targets for sanitary sewer system inspections.
 - AZDEQ did not meet its Pretreatment Compliance Audit targets and Compliance Inspections due to loss of key Pretreatment staff.

PWSS

- Highlights:
 - AZDEQ has met all workplan commitments. AZDEQ continues to implement an effective drinking water program.
 - AZDEQ conducted 364 sanitary surveys, includes 89% of CWSs and 74% of non-community water systems.
 - AZDEQ added staff to the technical assistance and operator certification programs.
 - AZDEQ recently completed an evaluation of the Maricopa county delegated program and will work to address any issues identified with their delegated county program.
 - AZDEQ submits the highest quality data of all the Region 9 primacy agencies.
- Concerns:

- The AZDEQ 2019 Operator Certification program initial annual submittal did not show documentation and evaluation of ongoing program implementation with respect to the Federal Guidelines.

Source Water Protection

- Highlight:
 - Began working with NRCS to target new Farm Bill funds to SWP priority areas;
 - Assisted six CWSs with MCL violations to assess wells, hydrogeology, and adjacent land uses to determine the cause of the violations; and
 - Updated monitoring waiver guidance and reviewed 125 waiver applications.
 - Workplan deliverables were completed according to schedule and were of good quality.
- Concerns: None

Groundwater

- Highlights:
 - ADEQ has developed draft UIC regulations and continues to work on other aspects of the UIC Primacy Package.
 - Continued coordination on APP/UIC permits (e.g., Excelsior and Florence Copper) and ADEQ drywell updates for EPA's Class V inventory.
- Concerns: None

Drinking Water Enforcement (Chris)

- Highlights:
 - Coordination and communication efforts between EPA and ADEQ are very good.
 - The number of systems on the ETT list has gradually decreased in the past four quarters.
 - AZDEQ continues to be responsive to tips/complaints received via EPA's national tip line.
- Concerns: None

Border

[No EOY report provided.]